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*Counsel to Creditor NGM Insurance Company*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:

Assuncao Bros., Inc.

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159 (CMG)

Judge Christine M. Gravelle

**DECLARATION OF SCOTT A. LEVIN**

I, Scott A. Levin, of full age, declare and states as follows:

1. I am a Partner with the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, Counsel for Creditor, NGM Insurance Company (“NGM”) and as such I am fully familiar with the facts set forth herein.

2. NGM filed a UCC with regard to NGM’s security interests regarding additional assets of the Debtor. Attached hereto as Exhibit 1 is a true copy of the UCC filing.

3. On August 12, 2022, NGM served a *Notice of Deposition of the Debtor Assuncao Bros., Inc. pursuant to Bankruptcy Rules 7-03-(b)(6) and 9014(d), and Federal*

*Rule of Civil Procedure 30(b)(6)* (“Deposition Notice”), seeking in part, documents and testimony pertinent to the Sale Motion. A true copy of the Deposition Notice is attached hereto and incorporated herewith as Exhibit 2.

4. The Deposition Notice initially scheduled the deposition for Friday, August 19, 2022, however, due to scheduling conflicts of the parties and counsel, the deposition had to be rescheduled to Saturday, August 20, 2022. The deposition occurred on Saturday, August 20, 2022, and a true copy of the deposition transcript, including all exhibits referred to during the deposition, is annexed hereto and incorporated herewith as Exhibit 3.

5. The Deposition Notice also contained a Production Demand, whereby NGM requested, among other things, communications between Debtor and Vollers and communications between Debtor and Manasquan Bank that pertained to the subject matter of the Sale Motion. See Exhibit 2.

6. On August 19, 2022, Debtor served Responses and Objections to Production Demand that was attached to the Deposition Notice. A copy of the Responses and Objections (“Responses”) is attached hereto as Exhibit 4.

7. On August 15, 2022, and August 16, 2022, counsel for Debtor and counsel for NGM exchanged e-mails concerning Debtor’s objection to producing relevant information about Vollers’ purchase of the assets. A true copy of the August 15, 2022 and August 16, 2022, e-mail exchange is attached hereto as Exhibit 5.

8. A true copy of mortgage documents executed by the Assuncaos in favor of Manasquan Bank are attached hereto as Exhibit 6.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statement made by me is willfully false, I am subject to punishment.

Dated: August 21, 2022

/s/ Scott A. Levin  
*Counsel to Creditor,*  
*NGM Insurance Company*